

COMPLAINT UNDER 42 USC §1983, CIVIL RIGHTS ACT-TD (Rev. 7/97)

IN THE UNITED STATES DISTRICT COURT
FOR THE Northern DISTRICT OF TEXAS
Dallas DIVISION

David William Johnson 612130
Plaintiff's name and ID Number

Montford Unit
Place of Confinement

3-04CV-1221N

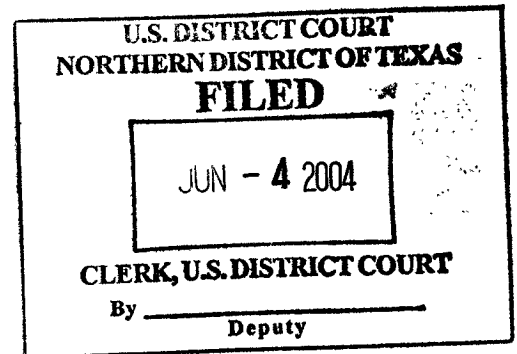
CASE NO: _____
(Clerk will assign the number)

v.

Captain Swaner
Defendant's name and address

Captain Bardin
Defendant's name and address

Major
Defendant's name and address
(DO NOT USE "ET AL.")



ORIGINAL

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? ☒ YES ☐ NO

B. If your answer to "A" is "yes", describe each lawsuit in the space below.
(If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 3-01-02
2. Parties to previous lawsuit:
Plaintiff(s) I, David William Johnson
Defendant(s) Warden
3. Court (If federal, name the district; if state, name the county) _____
4. Docket Number: _____
5. Name of judge to whom case was assigned: _____
6. Disposition: (Was the case dismissed, appealed, still pending?)
dismissed
7. Approximate date of disposition: ?

II. PLACE OF PRESENT CONFINEMENT: Montford

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? ☒ YES ☐ NO
 Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name of address of plaintiff: David William Johnson #612130
8602 Peach Avenue, Lubbock, Tx 79404

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Patrick Swaner, Captain
Robertson Unit 12071 FM 3522, Abilene, Tx

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Deliberate refusal to provide me with over 80 meals.

Defendant #2: Bill Bardin, Captain
Robertson Unit 12071 FM 3522 Abilene, Tx

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

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Defendant #3: Building Major Grimes 12071 FM 3522
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Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

//, Falsifying records - Bogus disciplinarys

Defendant #4: Nurse Cheryl Galli - Robertson Unit
12071 FM 3522 Abilene, Tx 79601

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Refusal of medical treatment

Defendant #5: Lieutenant Clark
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Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

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V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases of statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Robertson Unit employees deliberately refused
to me food on over 80 occasions, if a cadistic

nature, deliberately discarded my personal property, and refused to me medical treatment for poisoning etc. among other offenses including falsifying records & documents.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Injunctive relief - punitive damages

VII. BACKGROUND INFORMATION:

- A. State, in complete form, all names you have ever used or been known by including any and all aliases:

James William Dye, B. H. Johnson, B. H. Johnson

- B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

168317, 566474, 612130

VII. SANCTIONS:

- A. Have you been sanctioned by any court as a result of any lawsuit you have filed?

☐ YES ☒ NO

- B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? ☐ YES ☐ NO

- C. Has any court ever warned or notified you that sanctions could be imposed? ☐ YES ☐ NO

- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer

1. Court that imposed warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warnings were imposed: _____

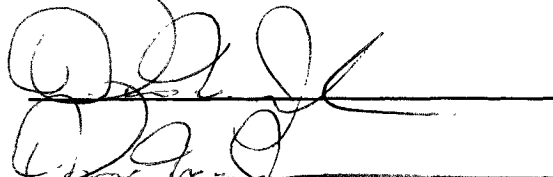
Executed on: _____
DATE

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$150 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 20th day of May, 20 04.
(Day) (Month) (Year)



(Signature of Plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.